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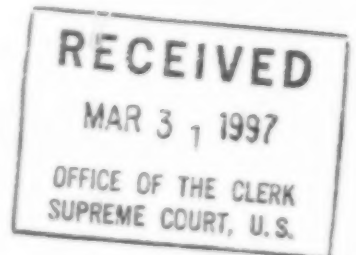
In the Supreme Court of the United States
October Term, 1996

MARVIN KLEHR AND MARY KLEHR,
Petitioners,

v.

A.O. SMITH CORPORATION AND
A.O. SMITH HARVESTORE PRODUCTS, INC.,
Respondents.

On Writ of Certiorari to the
United States Court of Appeals for the Eighth Circuit



**MEMORANDUM OF PETITIONERS REGARDING
THE MOTION OF AMICI CURIAE
FOR DIVIDED ARGUMENT AND FOR LEAVE TO ARGUE ORALLY**

Petitioners submit this response to the motion of amici curiae, the American Council of Life Insurance ("ACLI") and American Honda Motor Company, Inc. ("Honda"), to correct misstatements contained in ACLI/Honda's memorandum regarding the issues pending before the Court.

In their motion, ACLI and Honda identify four alternative RICO accrual rules and suggest that Petitioners rely upon one of the rules identified. In fact, Petitioners rely on a fifth rule of accrual identical to the rule which is applied in criminal RICO cases. That rule provides that the


Petitioner takes no position with respect to the moving party's motion but seeks only to correct the misstatement described above.

Charles C. Bird (m)

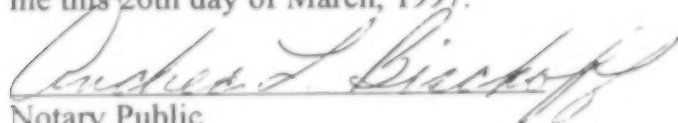
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Kathleen Jacks

Subscribed and sworn to before
me this 26th day of March, 1997.


Notary Public

